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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/734,892	12/15/2003	Richard S. Kirby	1892.0	4487
22497	7590	01/27/2006	EXAMINER	
LARSON AND LARSON 11199 69TH STREET NORTH LARGO, FL 33773			IQBAL, KHAWAR	
			ART UNIT	PAPER NUMBER
			2686	

DATE MAILED: 01/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/734,892	Applicant(s) KIRBY, RICHARD S.	
	Examiner Khawar Iqbal	Art Unit 2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) 13-16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 17-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1,4-12,17-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Batni et al (20050078812).

3. Regarding claim 1 Batni et al teaches a method of choosing which long distance company a wireless roamer uses to call a called party based on the selection of the wireless roamer or its home wireless carrier, the wireless roamer having a mobile identification number, the method comprising (figs. 1-2):

(1) sending a plurality of transaction capabilities application part messages between a wireless service control point and a serving mobile switching center, comprising the steps of (para. # 0032-0033):

(i) sending a first transaction capabilities application part message that validates a roamer (para. # 0032-0033);

(ii) Instructing the serving mobile switching center to pass dialed number of the called party to an interactive response unit (para. # 0029, 0040 and see above);

(2) establishing a first connection between the wireless roamer and the interactive voice response unit (para. # 0020,0037-0038, see above);

(3) establishing a second connection between the interactive voice response unit and the called party (para. # 0020,0037-0038, see above); and

(4) bridging the first connection and second connection, thereby connecting the wireless roamer to the called party (para. # 0037-0038, see above).

Regarding **claim 4** Batni et al teaches wherein receiving the dialed number and; determine if it is a long distance call and; sending instructions to the serving mobile switching center to connect the call to the interactive voice response unit via a Public Switched Telephone Network (para. # 0037-0038, fig. 1, see above).

Regarding **claim 5** Batni et al teaches wherein step comprises: creating a table which indicates by mobile switching center whether a dialed call is a long distance call; activating the serving mobile switching center to send the dialed number before step of establishing the first connection initial address message with the mobile identification number to the interactive voice response unit (para. # 0037-0038, fig. 1, see above).

Regarding **claim 6** Batni et al teaches sending a query for one or more roaming parameters from a home mobile switching center to a home location register (HLR); and sending one or more roaming parameters from the home location register to the home mobile switching center (para. # 0029,0031,0039, see above).

Regarding **claim 7** Batni et al teaches wherein said roaming parameters comprise: the mobile identification number (para. # 0033, see above).

Regarding **claim 8** Batni et al teaches wherein said roaming parameters comprise: the dialed number (para. # 0033, see above).

Regarding **claim 9** Batni et al teaches signaling from the wireless roamer to a local network; signaling from the local network to a mobile switching center; sending a query for one or more roaming parameters from the mobile switching center to a home location register (para. # 0029,0031,0039, see above); and sending the roaming parameters from the home location register to the mobile switching center (para. # 0029,0031,0039, see above).

Regarding **claim 10** Batni et al teaches signaling from the mobile switching center to a Public Switched Telephone Network; signaling from the Public Switched Telephone Network to a mobile switching center; and signaling from the mobile switching center to the wireless roamer (fig. 1).

Regarding **claim 11** Batni et al teaches wherein the mobile switching center is instructed to send only inter-lata toll calls (para. # 0016, fig. 1, see above).

Regarding **claim 12** Batni et al teaches wherein the serving mobile switching center is instructed to send information to a different home location register at call startup (para. # 0029,0031,0039, see above).

Regarding **claim 17** Batni et al teaches a method of choosing which long distance company wireless subscriber uses to complete comprising (figs. 1-2):

receiving a request wireless station having a called phone to establish a from a called party, the called party number, the wireless station having a mobile identification number (para. # 0033, see above); authorizing the wireless station using the mobile

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identification number; forwarding at least the called phone number and the mobile identification number an interactive voice response unit (para. # 0033-39 see above); initiating a first connection between the wireless station and the interactive voice response unit through a Public Switched Telephone Network; matching a caller identification number with the mobile identification number at the interactive voice response unit (para. # 0033-39 see above); initiating a second connection between the interactive voice response unit and the called phone number at the interactive voice response unit (para. # 0033-39 see above); and when the second connection is established, accepting the first connection and connecting the first connection the second connection (para. # 0033-39 see above).

Regarding claim 18 Batni et al teaches wherein the second connection established through the Public Switched Telephone Network (para. # 0033-39 see above).

Regarding claim 19 Batni et al teaches wherein the at least the called phone number and the mobile identification number are forwarded to the interactive voice response unit transaction capabilities application part message (para. # 0033-39 see above).

Regarding claim 20 Batni et al teaches sending an audible message from the interactive voice response unit to the wireless station (para. # 0033-39 see above).

Regarding claim 21 Batni et al teaches further comprising the step suppressing a ring tone before the step of sending an audible message from the interactive voice response the wireless station (para. # 0033-39 see above).

Regarding claim 22 Batni et al teaches a method of choosing which long distance company wireless subscriber uses to complete comprising (figs. 1-3):

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a connection, the method receiving a request at a serving mobile switching center establish a call from a wireless station called party, the called party having a called phone number, the wireless station having a mobile identification number (para. # 0033-39 see above); authorizing by sending an authorization request from the serving mobile switching center to a service control point, the authorization request including the mobile identification number (para. # 0033-39 see above); forwarding at least the called phone number and the mobile identification number from the service control point an interactive voice response unit (para. # 0033-39 see above); responding to the authorization request with an authorization response including the routing number interactive voice response unit (para. # 0033-39 see above); initiating a first connection by the serving mobile switching center between the wireless station and the interactive voice response unit through a Public Switched Telephone Network (para. # 0033-39 see above); matching at the interactive voice response unit, a caller identification number of an incoming call to the interactive voice response unit with the mobile identification number (para. # 0033-39 see above); initiating a second connection between the interactive voice response unit and the called phone number; and when the second connection is established, accepting the first connection and connecting the first connection to the second connection (para. # 0033-39 see above).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-3 rejected under 35 U.S.C. 103(a) as being unpatentable over Batni et al (20050078812) and further in view of Sladek et al (6622016).

6. Regarding claims 2-3 Batni et al teaches first transaction capabilities application part message includes the dialed number (para. # 0027,0033, see above). Batni et al does not specifically teach first transaction capabilities application part message includes mobile switching center identification number.

In an analogous art, Sladek et al teaches first transaction capabilities application part message includes mobile switching center identification number (col. 21, lines 10-27). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Batni et al by specifically adding feature mobile switching center identification number in order to enhance system performance of the system purpose of improves the communication efficiency by providing mobile switching center identification number as taught by Sladek et al.

Response to Arguments

7. Applicant's arguments with respect to claims 1-12,17-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Khawar Iqbal whose telephone number is (571) 272-7909.


If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272-7905. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 703-305-3028.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Khawar Iqbal



CHARLES APPIAH
PRIMARY EXAMINER